

1 Karen L. Strombom, Chief U.S. Magistrate Judge  
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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 vs.  
13 Shayla K. Jarvis,  
14 Defendant.

NO. CR 09-5367

PRETRIAL DIVERSION  
AGREEMENT

16 I, Shayla K. Jarvis, understand that I have been charged with an offense against the  
17 United States on or about February 6, 2009, in violation of Title 18, U.S.C. Section(s) 7  
18 and 641, in that I did commit the offense of Theft. The maximum penalty for this offense  
19 is one year in custody and a fine of \$100,000, or both, and a penalty assessment of \$25.

20 I understand that I may have the right to have an attorney appointed to represent  
21 me and if I am entitled to an appointed attorney, I have been given the opportunity to  
22 confer with an attorney prior to entering into this Agreement. If I have chosen not to be  
23 represented by an attorney, I understand by initialing this line that I have waived my right  
24 to be represented by an attorney. \_\_\_\_\_

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AGREEMENT FOR PRETRIAL DIVERSION - 1

UNITED STATES ATTORNEY  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101  
(206) 553-7970

1 I understand that under the Sixth Amendment to the United States Constitution and  
2 under the Speedy Trial Act, 18 U.S.C. Section 3161 et seq., I have the right to a prompt  
3 arraignment and to a speedy trial. I also understand that under the Federal Rule of  
4 Criminal Procedure 48(b), the Court may dismiss the charges against me if there is  
5 unnecessary delay in bringing the case to trial. I consent to waiving these rights and to  
6 continuing the trial in this matter for a period not to exceed fifteen (15) months from the  
7 date of this Agreement. I agree and consent that any delay resulting from this Agreement  
8 shall be deemed a necessary delay at my specific request. I waive any defense to such  
9 prosecution on the grounds that a delay resulting from this Agreement denied my rights  
10 under Federal Rule of Criminal Procedure 48(b), the Speedy Trial Act, 18 U.S.C. Section  
11 3161 et seq., and the Sixth Amendment to the United States Constitution to a speedy trial  
12 or to bar the prosecution by reason of the running of the statute of limitations for a period  
13 of months equal to the length of the diversion supervision. I understand that the period  
14 of delay caused by this Agreement is excludable time for speedy trial purposes.

15 I understand that I may have a constitutional right to a trial by jury. I understand that  
16 I have the right to trial, judgment, and sentencing before a United States District Judge  
17 or a United States Magistrate Judge. By initialing this line, I knowingly and voluntarily  
18 waive my right to a jury trial on the charges pending and consent to trial, judgment and  
19 sentencing by a United States Magistrate Judge.

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## **AGREEMENT**

I understand that upon accepting responsibility for my behavior and by my signature on this Agreement, it appears that the interest of the United States and my own interest and the interest of justice will be served by the pretrial diversion of this case. Therefore, provided that the Pretrial Services investigation reveals that I am eligible for the program, the United States Attorney for the Western District of Washington, through Assistant United States Attorney, Barbara J. Sievers, for said district, agrees that the prosecution of Shayla K. Jarvis, shall be deferred for a period of twelve months.

I understand that if I successfully complete the Pretrial Diversion Program, no prosecution of the offense set out on page one of this Agreement will be instituted and the charges against me will be dismissed.

## **CONDITIONS**

By signing this Pretrial Diversion Agreement I accept responsibility for my behavior and agree to comply with the conditions of pretrial diversion contained below:

(1) I will not violate any Federal, State, or Local law while on diversion.

(2) I will contact the Pretrial Services Office within 48 hours of any arrest and/or questioning by any law enforcement officer.

(3) I will not leave the judicial district without the permission of the Pretrial Services Office.

(4) I will report to the Pretrial Services Office as directed.

(5) I will notify the Pretrial Services Office within 48 hours of any change in residence or employment.

(6) I will participate in an initial interview with the Pretrial Services Office to determine my eligibility for the Pretrial Diversion Program. I understand that any information I provide to the Pretrial Services Office must be truthful.

1                   **MODIFICATION OF CONDITIONS OF PRETRIAL DIVERSION**

2       I understand that within thirty days of my signing this agreement, and after my initial  
3 interview with Pretrial Services, Pretrial Services will notify the United States Attorney's  
4 Office that I do or do not meet the basic criteria for eligibility. If I am deemed ineligible  
5 within the thirty days, my case will be placed back on the court docket and this agreement  
6 and the stipulation of facts will not be used against me at trial.

7       If Pretrial Services makes a recommendation for modification to the United States  
8 Attorney's Office, and the United States accepts the modification, then I understand that  
9 a modification can be made to this Agreement. I understand that if I refuse to comply with  
10 a modification, I will be deemed ineligible for participation in the Pretrial Diversion  
11 Program.

12                   **VIOLATION OF PRETRIAL DIVERSION**

13       I understand and agree that if the United States Attorney concludes that I have  
14 violated this Pretrial Diversion Agreement, the United States may seek to resume the  
15 criminal prosecution against me. In that event, the United States Attorney would furnish  
16 me with notice of request for termination of the agreement, outlining the allegation, and  
17 I would be given an opportunity to respond. Any dispute will be resolved by a United  
18 States Magistrate Judge.

19       I understand that if it is determined that I have violated the terms of this Pretrial  
20 Diversion Agreement, I will be brought back before the court for a bench trial on the  
21 stipulation of facts previously executed containing the citation or police reports. No  
22 additional evidence or witnesses will be presented at the trial other than the stipulation  
23 of facts.

1 I understand and agree that a copy of the Agreement will be provided to me, the  
2 United States Attorney, defense counsel (if any), and the Pretrial Services Office. I  
3 understand that the original agreement will be filed with the Court.

4 I understand that upon successful completion of the Pretrial Diversion Program, the  
5 United States Attorney will move the Court for an order dismissing the charges pending  
6 against me in this case.

7 I, Shayla K. Jarvis, and the United States of America, acknowledge that the above-  
8 stated terms and conditions, together with the waiver of speedy trial, waiver of counsel  
9 (if applicable), waiver of jury trial (if applicable), and consent to proceed before a  
10 Magistrate Judge contained herein, constitute the entire Pretrial Diversion Agreement  
11 between the parties.

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13 \_\_\_\_\_

Shayla K. Jarvis  
Defendant

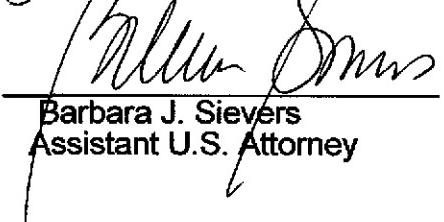
6/23/09

Date

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16 \_\_\_\_\_  
17 Jerome Kuh  
Attorney for Defendant

6/15/09

Date

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19 \_\_\_\_\_  
20 Barbara J. Sievers  
Assistant U.S. Attorney

6/23/09

Date

1 Karen L. Strombom, Chief U.S. Magistrate Judge  
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5 **UNITED STATES DISTRICT COURT**  
6 **WESTERN DISTRICT OF WASHINGTON**  
7 **AT TACOMA**

8 UNITED STATES OF AMERICA,

NO. CR 09-5367

9 Plaintiff,

PRETRIAL DIVERSION  
10 vs.  
11 Shayla K. Jarvis,  
12 Defendant.

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14  
15 The parties stipulate that the facts contained in the attached citation, police  
16 reports, and/or investigative reports, are a substantially correct version of the facts on  
17 which the charge(s) in this case are based.

18 DATED this Ninth day of June, 2009.

19  
20 Defense Counsel waived

Shayla K. Jarvis  
Defendant

21  
22 Jerome Kuh  
23 Defense Counsel

Barbara J. Sievers  
Assistant U.S. Attorney

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26 PRETRIAL DIVERSION STIPULATION OF FACTS - 1

UNITED STATES ATTORNEY  
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Seattle, Washington 98101  
(206) 553-7970